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ATTORNEY FOR PLAINTIFF
UNITED STATES OF AMERICA

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA
GREAT FALLS DIVISION

**UNITED STATES OF
AMERICA,**

Plaintiff,

vs.

JEANETTE PAYNE,

Defendant.

CR 14-20-GF-BMM

OFFER OF PROOF

Plaintiff, United States of America, by and through its counsel of record, Laura Weiss, Assistant U.S. Attorney for the District of Montana, hereby files its Offer of Proof.

THE CHARGE

The defendant, Jeanette Payne, is charged by Indictment with distribution of methamphetamine/aiding and abetting (Count I), in violation of 21 U.S.C. § 841(a)(1) and 18 U.S.C. § 2; distribution of methamphetamine on a premises where individual under age of 18 is present/aiding and abetting (Count II), in violation of 21 U.S.C §§ 841(a)(1) and 860a and 18 U.S.C. § 2; and felony child abuse and neglect (Count III), in violation of 18 U.S.C. § 1153(b) and Mont. Code Ann. § 45-5-633(3)(c).

PLEA AGREEMENT

There is a plea agreement in this case; Payne will plead guilty to Count I of the Indictment as charged.

The United States presented any and all formal plea offers to the defendant in writing. The plea agreement entered into by the parties and filed with the court represents, in the government's view, the most

favorable offer extended to the defendant. See *Missouri v. Frye*, 132 S.Ct. 1399 (2012).

ELEMENTS OF THE CHARGE TO WHICH SHE WILL PLEAD

In order for the defendant to be found guilty of the charge of distribution of methamphetamine/aiding and abetting, as charged in the Indictment, in violation of 21 U.S.C. § 841(a)(1) and 18 U.S.C. § 2, the United States must prove each of the following elements beyond a reasonable doubt:

First, the defendant knowingly distributed methamphetamine; and

Second, the defendant knew that it was methamphetamine or some other prohibited drug.

PENALTY

The charge carries a maximum penalty of twenty years imprisonment, \$1,000,000 fine, and at least three years supervised release.

ANTICIPATED EVIDENCE

If this case were tried in United States District Court, the United States would prove the following:

Jeanette Payne and several others were smoking methamphetamine in a house on the Fort Peck Indian Reservation on or about December 14, 2012 through December 16, 2012.

When interviewed, Jeanette described being at her house with her mother Friday through Sunday (12/14 through 12/16). She said nobody was drinking or smoking marijuana. When asked for a voluntary blood sample, Payne responded that she had used meth the last few days. Payne admitted that she split an amount of meth with someone else in the household then split her half with her mother. She admitted to injecting her mother with methamphetamine. Her mother admitted to injecting meth twice that weekend.

DATED this 28th day of May, 2014.

MICHAEL W. COTTER
United States Attorney

/s/ Laura Weiss
LAURA WEISS
Assistant U.S. Attorney